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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MURUGANANANDAM ARUMUGAM,

13 Defendant.  
14

Case No. CR19-41RSL

ORDER CONTINUING  
TRIAL DATE

15 This matter comes before the Court on the government's "Motion for an Order  
16 Addressing the Continuance of the Trial." Dkt. # 163. On June 17, 2020, over defendant's  
17 objection, the Court continued the trial date in this case to September 1, 2020. See Dkt. # 126.  
18 On August 26, 2020, the Court issued an order striking the trial date and ordering that the period  
19 of time from the date of the order up to and including September 8, 2020, be excludable time  
20 pursuant to 18 U.S.C. § 3161. Dkt. # 143 (citing W.D. Wash. Gen. Order Nos. 02-20, 11-20).  
21 On September 4, 2020, the Honorable Ricardo S. Martinez, Chief United States District Judge,  
22 issued General Order No. 13-20, further continuing all civil and criminal in-person hearings and  
23 trials in the Seattle and Tacoma Courthouses until October 5, 2020. Consequently, the Court  
24 issued an order further continuing the trial in this case and ordering that the period of time from  
25 the date of the order up to and including October 5, 2020, be excludable time pursuant to 18  
26 U.S.C. § 3161. Dkt. # 144. On October 2, 2020, Judge Martinez issued General Order No. 15-  
27 20, extending the procedures established by General Orders No. 02-20 and 03-20 through  
28 January 1, 2021. Accordingly, the Court issued another order further continuing the trial date

1 and ordering that the period of time from the date of the order up to and including January 19,  
2 2021, be excludable time pursuant to 18 U.S.C. § 3161. Dkt. # 147. The Court also noted that  
3 defendant was incarcerated in King County Jail pending a November 30, 2020 King County  
4 Superior Court trial date, and this detention rendered him unavailable for trial in the above-  
5 captioned matter. Dkt. # 147. On December 30, 2020, Judge Martinez issued General Order No.  
6 18-20, extending the procedures established by General Order No. 15-20 through March 31,  
7 2021. The last order the Court issued in this matter continued the trial date to April 19, 2021 and  
8 ordered the time period from the date of the order up to and including April 19, 2021, be  
9 excludable time pursuant to 18 U.S.C. § 3161. Dkt. # 159. The Court had been advised at the  
10 time of its last order that defendant remained incarcerated in King County Jail and was facing  
11 state criminal charges on three separate prosecutions. See id. Both the public health  
12 recommendations related to the ongoing COVID-19 pandemic and the defendant's pending  
13 King County Superior Court trial led the Court to find that the ends of justice served by  
14 continuing the case outweighed the best interest of the public and the defendant in a speedy trial.  
15 Id.

16 Since the Court's last order continuing the trial date, Judge Martinez extended the  
17 procedures established by General Order No. 15-20 again via General Order No. 04-21, issued  
18 on March 19, 2021. General Order No. 15-20 allows for "one in-person criminal jury trial at a  
19 time at each of the district's two courthouses," and General Order No. 04-21 provides that in-  
20 person criminal trials will be scheduled starting May 17, 2021, which is after the existing trial  
21 date of April 19, 2021. General Order No. 04-21 also precludes "simultaneous in-person trials."  
22 Now, therefore, the Court FINDS as follows:

23 1. The Court incorporates the facts set forth in the government's motion. Dkt. # 163. The  
24 COVID-19 pandemic continues to impact the Court's operations. See W.D. Wash. Gen. Order  
25 Nos. 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 (incorporated by reference).  
26 In particular, the COVID-19 pandemic has made it difficult for the Court to obtain an adequate  
27 spectrum of jurors to represent a fair cross section of the community, and public health guidance  
28 has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the

1 courtroom. Due to these challenges, the Court finds that proceeding with an earlier trial would  
 2 likely be impossible or would result in a miscarriage of justice, as set forth in 18 U.S.C.  
 3 § 3161(h)(7)(B)(i).

4 2. Further, the Court continues to be advised that defendant remains incarcerated at King  
 5 County Jail and faces state criminal charges in King County Superior Court on three separate  
 6 prosecutions involving three different victims. Dkt. # 163. At present, a trial date has been set in  
 7 King County Superior Court for June 18, 2021. Defendant's incarceration in another jurisdiction  
 8 pending a state trial renders him unavailable to appear for trial in the above-captioned matter on  
 9 the April 19, 2021 trial date previously scheduled. Pursuant to 18 U.S.C. § 3161(h)(1)(B), the  
 10 delay resulting from defendant's trial in King County Superior Court constitutes a period of  
 11 delay that the Court will exclude for speedy trial purposes.

12 3. Due to the Court's reduced ability to obtain an adequate spectrum of jurors, the impact of  
 13 the aforementioned public health recommendations on Court operations, and defendant's  
 14 pending King County Superior Court trial, the Court specifically finds that the ends of justice  
 15 served by continuing the trial in this case outweigh the best interest of the public and the  
 16 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen. Orders  
 17 No. 02-20, 15-20, 18-20, 04-21.

18 IT IS THEREFORE ORDERED, over defendant's objection (Dkt. # 164), that the trial  
 19 date in this case be continued to July 19, 2021.

20 IT IS FURTHER ORDERED that the period of time from the date of this Order up to and  
 21 including the new trial date, shall be excludable time pursuant to 18 U.S.C. § 3161, *et seq.* See  
 22 W.D. Wash. Gen. Orders No. 02-20, 15-20, 18-20, 04-21. The period of delay attributable to the  
 23 filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.  
 24 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

25 DATED this 5th day of April, 2021.

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28 Robert S. Lasnik  
 United States District Judge